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असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in the Lok Sabha on 25th November, 2005:—

BILL NO. 129 OF 2005

A Bill to provide for loan facilities to meritorious students for pursuing their higher studies and for matters connected therewith.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Meritorious Students (Assistance in Higher Studies) Act, 2005.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "bank" means any nationalised bank and includes any financial institution which is owned by or is under the control of or where fifty one percent of shares are held by the Central Government or is receiving aid from the Central Government;

(b) "higher studies" means and includes courses in medicine, engineering or management or any professional course in any field or vocation or research in any field from any recognized college or a university or an institution;

(c) "meritorious student" means a student who has secured a minimum of seventy-five percent marks in the higher secondary examination; and

(d) "prescribed" means prescribed by rules made under this Act.

Banks to provide loan to meritorious students.

3. All meritorious student shall be provided with loan from the Banks for pursuing their higher studies:

Provided that the loan shall be sanctioned only to such students whose family income from all sources is not more than ten thousand rupees per month.

Explanation.—For the purpose of this section, "family" means husband, wife and their dependent children.

Application for loan.

4. (1) Any student who fulfils the provisions of section 3 and who wishes to pursue higher studies may make an application to the concerned branch of any bank.

(2) An application made under sub-section (1) shall be disposed of within one month from the date of receipt thereof.

Amount of loan.

5. (1) The loan shall be payable to the eligible student till he completes the course for which the loan is applied for.

(2) The amount of loan payable shall cover the entire cost of education which shall include course fees, study material, hostel fees, if any, and any other expenditure in connection with the education.

(3) The Bank shall make the payment directly to the Head of the college or university or institution where the student is studying.

Terms and conditions of sanction and repayment of loan.

6. (1) The loan shall be given to an eligible student without any security or guarantee:

Provided that the Bank may demand from the student such details and documentary proof, as it may deem fit, before sanctioning the loan.

(2) The loan shall be recovered from the students in equal monthly instalments with simple interest at the rate of five percent per annum immediately after the student gets a job on completion of his study:

Provided that the loan shall be repaid within four years from the date of getting job.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The higher education, especially medical and engineering education has become very expensive. The meritorious students who come from the lower strata of society are unable to afford the fees charged for such courses and are, therefore, deprived of higher studies. This will have an adverse effect on the nation building activity.

It is, therefore, necessary that banks extend concessional financial assistance at nominal rate of interest to meritorious students to enable them to pursue their studies unhindered and contribute to nation building.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 25, 2005

K.C. SINGH "BABA"

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to the matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 125 OF 2005

A Bill to provide for social security to old persons living below poverty line and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Provision of Social Security to Old Persons Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means a State Government or the Central Government, as the case may be;

(ii) "old person" means a person who has attained the age of sixty years;

(iii) "person living below poverty line" means an old person whose annual income from all sources is within such parameters as may be fixed by the Central Government from time to time to determine a person to be living below poverty line; and

(iv) "prescribed" means prescribed by rules made under this Act.

3. (1) The appropriate Government shall conduct a survey of all old persons living below poverty line in its jurisdiction.

Government to conduct survey of old persons.

(2) After the completion of such survey, the appropriate Government shall enter the names and other details as may be prescribed of the old persons in its jurisdiction in a register to be maintained district-wise and update the same from time to time.

(3) If name of any old person has been left out he may, by himself or through any voluntary organisation, working for the welfare of old persons, apply to the appropriate Government for inclusion of his name in the register in such manner as may be prescribed.

(4) After conducting such enquiry as it deems fit, the appropriate Government shall include his name in the register.

4. (1) The appropriate Government shall, as soon as possible, but not later than six months from the date of commencement of this Act, set up a welfare home for old persons in every district.

Government to set up welfare homes.

(2) The appropriate Government shall provide the following facilities in every welfare home set up for the welfare of old persons,—

(a) food and clothes free of cost;

(b) free medical treatment and health check up;

(c) recreational facilities; and

(d) any other facility which may be prescribed by the appropriate Government.

5. Every old person shall be paid a monthly pension of rupees three hundred by the appropriate Government.

Payment of pension.

6. The Central Government shall, in consultation with the State Governments and by notification in the Official Gazette, establish a fund to be known as the Old Persons Welfare Fund which shall consist of:

Old Persons Welfare Fund.

(a) grants made by the Central Government and State Governments, in such ratio, as may be prescribed:

Provided that the share of the Central Government shall not be less than seventy-five per cent of the total grants made to the fund; and

(b) any monies received as contribution or donation from any individual or organisation in India or abroad.

7. The expenditure involved in implementing the provisions of this Act shall be met out of the fund constituted under section 6.

Expenditure to be met out of the fund.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It is the primary duty of any welfare State to take care of its citizens especially of those who are under-privileged and belong to weaker sections of the society. India is the second most populous country in the world, with 72 million persons above sixty years of age as per census figures of the year 2001. The number of senior citizens is on the rise due to improvement in health care. But the deteriorating conditions of the elderly persons has become a national concern in the absence of any social security system for them. In our country there are millions of senior citizens who are left to fend for themselves with no support from their kith and kin nor from the State. They are a neglected lot. They cannot afford good health care or food for several reasons. They suffer silently. In order to minimize their hardship, it is the duty of the State to assist them. The Bill seeks to make an attempt to provide social security to senior citizens by way of free health care, free of cost accommodation, free food and a pension. Initially this facility is meant only for old persons living below poverty line.

The Bill seeks to achieve the above objective.

NEW DELHI;

July 26, 2005

K. S. RAO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that appropriate Government shall conduct a survey of old persons and maintain a register to that effect. Clause 4 provides for the setting up of welfare homes for old persons. Clause 5 provides for payment of monthly pension to them. Clause 6 provides for setting up a fund to implement the provisions of the Act. Some contributions and donations are also expected. Nevertheless, it is estimated that an annual recurring expenditure of about rupees two thousand crore may be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved from the Consolidated Fund of India by way of setting up of old persons homes and creation of facility therein.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to frame rules for carrying out the provisions of the Bill. The delegation of legislative power is of a normal character since the rules will relate to matters of detail only.

BILL NO. 130 OF 2005

A Bill to provide for reservation in appointments and posts in the services under the State and in educational institutions in favour of persons entering into inter-caste marriages and their offsprings.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Inter-caste Marriages (Reservation Provisions) Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. It this Act, unless the context otherwise requires "intercaste marriage" means any marriage solemnised between a male and a female, where either of the parties to the marriage belongs to a Scheduled Caste or a Scheduled Tribe or an Other Backward Class.

Definition.

Couples in inter-caste marriage and their children to be entitled for reservation in services and educational institutions.

3. (1) Any person who enters into an inter-caste marriage shall be entitled to the benefit of reservation in services under the State and in admission to the educational institutions maintained or under the control of the State or receiving funds from the State.

(2) Any child born out of wedlock in an inter-caste marriage shall be entitled to the benefit of reservation in services under the State and in admission to educational institutions maintained or under the control of the State or receiving funds from the State.

Explanation.— For the purpose of this section, State means and includes the Central Government, a Union territory administration or all authorities and organizations under the control of the Central Government.

Act to have overriding effect.

4. This Act shall apply notwithstanding anything contrary contained in any judgment of any court or tribunal or judicial authority or any law or any instrument or rules having the force of law for the time being in force.

Power to make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

STATEMENT OF OBJECTS AND REASONS

With the changes in social structure and outlook of the people, inter-caste marriages have become very common. Every year thousands of inter-caste marriages are solemnised in the country. These marriages help in abolishing caste system which has been prevalent in our society for centuries. It often happens that one of the couple belongs to a Scheduled Caste or Scheduled Tribe or Other Backward Class and the other person belongs to an upper caste.

In order to encourage inter-caste marriages, reservation facility was extended to the children born out of wedlock of an inter-caste marriage wherein one of the spouse belonged to a caste for which reservation facility was given by the Government. Of late, the Kerala High Court in a judgement has held that the children born of inter-caste marriages could not claim the benefits of reservation in educational institutions and in public even if one of the parents belonged to a scheduled caste or scheduled tribe. It further stated that burden lies on the person who is claiming the benefit of reservation to establish that he was subject to the same handicap and disadvantages as someone born as a member of scheduled caste or scheduled tribe.

In the current scenario, when the cases of divorce are on the rise, the women and the children who are born out of an inter-caste marriage have to suffer as a result of the above mentioned judgment. In these cases, the children are generally in the custody of mother and due to the recent judgment of the High Court, they stand to lose the reservation facility enjoyed by them till recently.

To correct this anomaly, it is proposed to provide that even if one of the couple satisfy the conditions for reservation, then both the couple and their children shall be entitled to the reservation facility by the State. The Bill, if enacted, will bring suitable relief to the affected families and also encourage inter-caste marriages which will abolish caste system prevailing in our society.

Hence this Bill.

NEW DELHI;
August 11, 2005

S.K. KHARVENTHAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

Since the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 126 OF 2005

A Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of Section 2.

2. In section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971,—

40 of 1971.

- (i) in clause (e), in sub-clause (2), items (i) and (ii) shall be omitted; and
(ii) in clause (fa), sub-clauses (ii) and (iii) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

In their judgements, the Bombay High Court and the Supreme Court have upheld that the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, takes precedence over the Rent Control Act. The Judgement has created a number of difficulties for the old tenants who have been residing there for a number of years. The purpose of the Act was to safeguard the interest of Government buildings and to evict the unauthorised occupants such as those employees who are staying in Government accommodation even after their retirement from service or others who have been put in there unauthorisedly by employees. Expansion of public sector undertakings such as Government owned companies, nationalised banks and other nationalised sectors has brought in a number of old tenants under the purview of this Act. As a result of this and due to the above said judgement, the old tenants have lost protection of the Rent Control Act. In fact there are enough provisions under the Companies Act, 1956 and/or under Rent Control Act to take care of those who are occupying the Government buildings without authority.

Under these circumstances, the amendment is imperative to exclude such public sector undertakings from the purview of the Act so as to give relief to old tenants. It is also necessary to bring the Government companies on par with the private landlords. Another important aspect is the tenancy right which is a valuable right in cities and there is no reason to deprive the tenants of the same without any reason.

Hence this Bill.

NEW DELHI;
August 16, 2005

RAMDAS ATHAWALE

BILL NO. 127 OF 2005

A Bill to provide for a scheme for eradication of unemployment from the country.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Eradication of Unemployment Act, 2005.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act,—

- (a) “Government” means the Central Government; and
- (b) “prescribed” means prescribed by rules made under this Act.

Employment
to citizens.

3. The Government shall endeavour to provide every citizen who has attained the age of eighteen years and who is registered with the Employment Exchange with employment suited to his age, qualification and health.

Grant of
unemployment
allowance.

4. Till such time as employment is provided to a citizen under section 3, he or she shall be entitled to such unemployment allowance, as may be prescribed.

5. An Unemployment Insurance Scheme shall be started by the Government so as to provide for a special fund for the grant of unemployment allowance under this Act.

Unemployment Insurance Scheme.

6. A citizen who has registered himself with the Employment Exchange shall be eligible to receive benefit of unemployment allowance under this Act subject to his furnishing an agreement to contribute to the Unemployment Insurance Scheme for a prescribed period immediately after securing employment at a rate as may be prescribed.

Contribution to Unemployment Insurance Scheme.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for the following matters, namely:—

(a) the rate of unemployment allowance referred to in section 4 and different rates may be prescribed on the basis of qualification and skills;

(b) the necessary details of the unemployment insurance scheme;

(c) the rate of contribution to the Unemployment Insurance Scheme under section 6;

(d) the procedure to regulate all payments under this Act; and

(e) any other matter which is required to be, or may be, prescribed.

STATEMENT OF OBJECTS AND REASONS

The problem of unemployment has assumed menacing proportions. Even the educated citizens are rendered indigent. Lack of opportunity of employment in the country is also leading to brain drain and exodus of a large number of skilled and unskilled persons abroad. It is time that concerted efforts are made by the State to assure employment to the citizens of the country and to provide unemployment relief to those who have not been able to secure employment. It is also necessary to promote an unemployment insurance scheme for the purpose, so that the scheme may serve to finance the funds for the unemployment relief.

Hence the Bill.

NEW DELHI;
August 16, 2005

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 3 provides that the Government shall endeavour to provide employment to all eligible citizens. Clause 4 of the Bill seeks to provide unemployment allowance to the citizens who have attained the age of eighteen years or above. Clause 5 provides for unemployment insurance scheme. This involves a recurring expenditure of about one hundred crore rupees per annum from the Consolidated Fund of India. The recurring expenditure is expected to reduce substantially as and when employment is provided.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Government to make rules for fixing the rate of unemployment allowance. Similarly, clause 6 empowers the Government to fix the rate of contribution to Unemployment Insurance Scheme.

Clause 7 empowers the Government to make rules for carrying out the provisions of the Bill. The matters in respect of which such rules may be made would relate to matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself.

The delegation of the legislative power is of a normal character.

BILL No. 131 OF 2005

A Bill to declare the institution known as the Asiatic Society of Mumbai having at present its registered office in Mumbai to be an institution of national importance and to provide for certain matters connected therewith.

BE it enacted by Parliament in the Fifty sixth year of the Republic of India as follows:—

1. (1) This Act may be called the Asiatic Society of Mumbai Act, 2005.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Whereas the late James Mackintosh founded the literary Society of Bombay which is now known as the Asiatic Society of Mumbai and the objects of which are such as to make the institution one of national importance, it is hereby declared that the said Asiatic Society is an institution of national importance.

Declaration of
Asiatic Society
of Mumbai as
an institution
of national
importance.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) “memorandum” means the memorandum of association of the society;

(b) “prescribed” means prescribed by rules made under this Act;

(c) “regulations” includes any rule or regulation (by whatever name called) which the Society is competent to make in the exercise of the powers conferred on it by The Bombay Public Trust Act, 1950 but shall not include any bye-laws or standing orders made under the regulations for the conduct of its day-to-day administration;

(d) “Society” means the Asiatic Society of Mumbai being a society within the meaning of the Bombay Public Trust Act, 1950 and having its registered office in Mumbai.

Grants, loans,
etc. by Central
Government to
Society.

4. For the purpose of enabling the Society to discharge efficiently its functions, including in particular those relating to research, literary, library, scientific and museological activities, collection of manuscripts, coins and art objects, and the publication of periodicals, books and other literature, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Society in each financial year such sums of money as that Government considers necessary by way of grants, loans or otherwise.

Audit of
accounts of
Society.

5. (1) The Society shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be approved by the Comptroller and Auditor-General of India.

(2) The accounts of the Society shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Society to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Society shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Society.

(4) The accounts of the Society as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf together with the audit report thereof shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Annual report.

6. The Society shall furnish to the Central Government, at such time each year as may be directed, its annual report giving full account of its activities, policies and programmes during the previous year and that Government shall cause the same to be laid before each House of Parliament.

Prior approval
of Central
Government
necessary for
certain action
by Society.

7. The Society shall not, except with the previous approval of the Central Government,

(a) alter, extend or abridge any of the purposes for which it has been established or for which it is being used immediately before the commencement of this Act, or amalgamate itself either wholly or partially with any other institution or society; or

(b) alter or amend in any manner the memorandum or regulations; or

(c) sell or otherwise dispose of any property acquired by the Society with money specifically provided for such acquisition by the Central Government:

Provided that no such approval shall be necessary in the case of any such movable property or class of movable property as may be specified by the Central Government in this behalf by general or special order; or

(d) be dissolved.

8. (1) For the purpose of advising it with respect to the planning and implementation of the developmental programmes of the Society and other matters concerning the Society, the Central Government may, by notification in the Official Gazette, establish a board to be called the Planning Board (Asiatic Society of Mumbai).

Planning Board.

(2) The Board shall consist of a Chairman and such other members as may be appointed by the Central Government.

(3) Subject to any rules which the Central Government may make in this behalf, the Board shall have the power to regulate its own procedure.

(4) The term of office of, the procedure to be followed in the discharge of their functions by, the manner of filling casual vacancies among, the allowances, if any, payable to, and other matters concerning, the members of the Board shall be such as may be prescribed.

9. (1) The Central Government may, by notification in the Official Gazette, constitute as many Committees, as and when it considers it necessary, consisting of such number of persons as it thinks fit to appoint thereto and assign to each such Committee all or any of the following duties, namely:—

Committees.

(a) the preparation and submission to the Central Government, as far as possible before the commencement of each financial year, of statements showing programmes of work agreed to be undertaken by the Society during that year for which the Central Government may provide funds as well as general financial estimates in respect of such work;

(b) the settlement on board lines of the programmes of such work;

(2) A Committee constituted under sub-section (1) shall, in discharging its duties with respect to any matter under this section, have due regard to the advice, if any, tendered in respect of such matter under section 8 by the Board to the Central Government.

(3) Where the Society does not agree to undertake any work suggested by any Committee referred to in sub-section (1), it shall give to the Central Government its reasons for not so agreeing.

(4) The procedure to be followed by a Committee constituted under sub-section (1) in the discharge of its functions, the allowances, if any, payable to the members of such Committee and other matters relating to such Committee shall be such as may be prescribed.

10. (1) The Central Government may, by notification in the Official Gazette, constitute a Committee consisting of such number of persons as it thinks fit to appoint thereto for the purpose of—

Review of work done, inspection of assets, etc.

(a) reviewing the work done by the Society and the progress made by it;

(b) inspecting its buildings, equipment and other assets;

(c) evaluating the work done by the Society;

(d) advising Government generally on any matter which in the opinion of the Central Government is of importance in connection with the work of the Society;

and the Committee shall submit its report thereon in such manner as the Central Government may direct.

(2) The procedure to be followed by, the allowances, if any, payable to, the members of the Committee and other matters concerning the Committee shall be such as may be prescribed.

(3) The Committee shall, subject to the provisions of sub-section (4) and of any rules which the Central Government may make in this behalf, have power to regulate its own procedure.

(4) Notice shall be given in every case to the Society of the intention to cause a review, inspection or evaluation to be made, and the Society shall be entitled to appoint a representative who shall have the right to be present and be heard at such review, inspection or evaluation.

(5) The Central Government may address the President of the Society with reference to the result of such review, inspection or evaluation as disclosed in any report of the Committee referred to in sub-section (1), and the President shall communicate to the Central Government the action, if any, taken thereon.

(6) When the Central Government has, in pursuance of sub-section (5), addressed the President of the Society in connection with any matter, and the President does not within a reasonable time take action to the satisfaction of the Central Government in respect thereof, the Central Government may, after considering any explanations furnished or representations made on behalf of the Society, issue such directions as it considers necessary in respect of any of the matters dealt with in the report.

Society to
afford facilities
to Committees.

11. The Society shall be bound to afford all necessary facilities to the Board constituted under section 8 and to every committee constituted under section 9 or section 10 for the purpose of enabling them to carry out their duties.

Power to issue
directions to
Society.

12. (1) The Central Government may, if it is satisfied that it is necessary so to do in the public interest, issue, for reasons to be recorded and communicated to the Society, such directions as it thinks fit to the Society, and such directions may include directions requiring the Society—

(a) to amend the memorandum or to make or amend any regulation within such period as may be specified in the directions;

(b) to give priorities to the work undertaken or to be undertaken by the Society in such manner as the Central Government may think fit to specify in this behalf.

(2) Any directions issued under this section shall have effect, notwithstanding anything contained in any law for the time being in force or in the memorandum or regulations of the Society.

Power of
Central
Government to
assume
functions of
control.

13. (1) If, in the opinion of the Central Government,—

(i) the society without just or reasonable cause has made default in giving effect to any direction issued under sub-section (6) of section 10 or section 12; or

(ii) the Council of the Society has exceeded or abused the powers in relation to the Society or any part thereof;

the Central Government may, by written order, direct the Society within a period to be specified in the order to show cause to the satisfaction of the Central Government against the making of any appointment referred to in sub-section (2).

(2) If, within the period fixed by any order issued under sub-section (1), cause is not shown to the satisfaction of the Central Government, the Central Government may, by order published in the Official Gazette and stating the reasons therefore, appoint one or more persons to take over the management of the Society or of any of the activities of the Society for such period not exceeding two years as may be specified in the order.

(3) During the period specified in the order issued under sub-section (2),—

(a) where the order provides for any person or persons taking over the management of the Society—

(i) all persons holding office as members of the Council, including the President, shall be deemed to have vacated their offices as such;

(ii) the person or persons appointed under sub-section (2) to take over the management of the Society shall exercise all the powers and perform all the

duties of the President or Council of the Society, whether at a meeting or otherwise, in respect of the Society;

(b) where the order provides for any person or persons taking over the management of any activities of the Society, the person or persons so appointed shall alone be entitled to exercise all the powers and perform all the duties of the President or Council in relation to those activities.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the memorandum or regulations or the Bombay Public Trust Act, 1950 or any other law for the time being in force.

Act to have overriding effect.

15. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) matters with respect to the procedure to be followed by the Board under sub-section (3) of section 8;

(ii) the term of office of, the procedure to be followed in the discharge of their functions by the manner of filling casual vacancies among, the allowances, if any, payable to, and other matters concerning, the members of the Board under sub-section (4) of section 8;

(iii) the procedure to be followed by a committee in the discharge of its functions, the allowances, if any, payable to the members of the Committee and other matters relating to the Committee under sub-section (4) of section 9.

(iv) the procedure to be followed by, the allowances, if any, payable to, the members of the Committee and other matters concerning the Committee under sub-section (2) of section 10;

(v) any other matter which is required to be or in respect of which rules may be made under this Act.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

With an astonishing collection of 300,000 books of which 30,000 are considered rarest of the rare and huge collection of bound volumes of periodicals of which one half is more than 100 years old, and with collection of manuscripts of rare distinction, such as Dante's Divine Comedy 1350, The Shahnamah of Firdausi, Arnyaparva of Mahabharata, richly illustrated belonging to 13th Century, the Asiatic Society of Bombay is one of the rich cultural heritages of our country, which is now 200 years old.

The genesis of this institution, is traced to 1804, when the Literary Society of Bombay was founded by a distinguished European called Sir James Mackintosh. In 1829, the Literary Society was invited to become an integral part of the Royal Asiatic Society of Great Britain, then became the Bombay Branch of the Royal Asiatic Society. In 1831 it was given permission to function from the North wing of Bombay Town Hall. The Societies' Membership was restricted only to Europeans upto 1840. Later membership was opened to Indians, and then it became Asiatic Society of Bombay.

The Society today has been recognized by the Mumbai University for Ph.D. studies and research on ancient and modern history as well as Sanskrit.

The Society has in its possession unique Sapora relics excavated from the Buddhist Stupa in the suburbs of Mumbai. It has the invaluable collection of 11,830 coins, which includes fifth century gold coins of Kumara Gupta and rare gold mohar of Akbar, coins issued by Shiyaji, etc.

It is one of the most important institutions of research and studies in India, comparable only to the Asiatic Society of Calcutta, which was established in 1784. In recognition of its historic importance and its immense contributions in all fields of Arts and Sciences since 1784, the Government of India recognized the Asiatic Society of Calcutta as an institution of National importance by an Act of Parliament in 1984, during its bi-centenary celebrations.

It is high time the same type of recognition is bestowed on the Asiatic Society of Bombay, which is now 200 years old and remains one of the rare institutions of excellence in the country.

This Bill seeks to achieve the above objectives.

NEW DELHI;
August 24, 2005

C. K. CHANDRAPPA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government may make payments by way of grants, loans or otherwise for the purpose of enabling the Asiatic Society of Mumbai to discharge its functions efficiently. Clause 8 of the Bill provides for the establishment of a Planning Board. Clause 9 of the Bill provides for the constitution of Committee by the Central Government whilst clause 10 of the Bill provides for the constitution of a Review Committee.

The Bill if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees seven lakh fifty thousand only from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. Sub-clause (2) of the said clause enumerates the matters with respect to which rules may be made. These matters, *inter alia*, relate to the procedure to be followed in the discharge of the functions by, the manner of filling casual vacancies among, the allowances, if any, payable to, and other matters concerning, the Members of the Planning Board, Committees, etc., under clauses 8, 9 and 10.

As these matters relate to procedure and administrative detail, the delegation of legislative power is of a normal character.

BILL NO. 128 OF 2005

A Bill to provide for reservation in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes in services and educational institutions under the Central Government.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title,
application
and
commence-
ment.

1. (1) This Act may be called the Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation in Services and Educational Institutions) Act, 2005.

(2) It shall apply to every establishment, whether administrative or educational, constituted under any Central Act or notification, or owned, controlled or managed by the Central Government or any Government company, receiving money from the Consolidated Fund of India or receiving grant-in-aid from the Government.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise, requires,—

Definitions.

(a) "Government" means the Central Government;

(b) "establishment" means any office or organisation under the control of the Central Government or any statutory authority constituted by the Government or an institution or a company wherein the majority of the shares are held by the Central Government;

(c) "Other Backward Classes" means the Castes and Communities which have been notified as Other Backward Classes by the Central Government; and

(d) "Scheduled Castes and Scheduled Tribes" shall have the same meaning as is assigned to them, respectively, under clause (24) and clause (25) of article 366 of the constitution of India and notified by the President under articles 341 and 342.

3. (1) There shall be reserved such percentage of posts in civil services as may be prescribed in favour of persons belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes for appointment by direct recruitment or in promotion in such posts in all establishments:

Reservation of posts in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes under the State.

Provided that reservation in promotion shall be available where element of direct recruitment does not exceed seventy-five per cent of the total filled posts.

(2) The vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes under such clause (1) shall be filled in such manner as may be prescribed.

4. There shall be reserved such percentage of seats as may be prescribed for admission in courses of study in favour of persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes in all educational and technical institutions under the Government.

Reservation of seats for Scheduled Castes, Scheduled Tribes and Other Backward Classes in all educational and technical institutions.

5. The Central Government may—

(i) make provisions for relaxation in upper age limit in favour of candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes for appointments in any service under the Government in such manner as may be prescribed.

Relaxations for Scheduled Castes, Scheduled Tribes and Other Backward Classes.

(ii) exempt or provide concession in payment of any fee including application fee or examination fee to such extent as may be prescribed for candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes.

6. The vacancies reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes shall in no case be filled by the candidates not belonging to the categories mentioned above.

Vacancies meant for Scheduled Castes, Scheduled Tribes and Other Backward Classes not to be filled by candidates of other categories.

Government
to appoint a
Liaison
Officer in
every
Ministry or
Department.

7. (1) The Government shall, in every Ministry or Department, appoint an officer of such rank as may be prescribed, as Liaison Officer to ensure that the provisions of this Act or instructions issued by the Government thereunder regarding reservation are properly implemented.

(2) Where any case of negligence or lapse in relation to providing reservation for members of Scheduled Castes or Scheduled Tribes or Other Backward Classes comes to the notice of the Liaison Officer during the course of inspection carried out by him or otherwise, he shall submit his report to the head of the establishment concerned and such head shall take necessary action in the matter.

Power to
make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of the Act.

STATEMENT OF OBJECTS AND REASONS

The Government provides reservation facility to the persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes as an affirmative action to improve their social and economic status. But at present, the reservation policy, which has the support of all political parties as well as the backing of Courts is implemented through a myriad of Office Memoranda issued by various Ministries and amended/modified on the basis of Court verdicts. The multiplicity of the rules laid down by diverse authorities is causing great confusion among those whom the reservation facility aims to benefit. Similar scenario exists so far as the reservation in educational institutions is concerned. Thus, a legislation by Parliament is required so that the reservation provisions can be consolidated in a single statute and all the ambiguities in the rules governing reservation are removed. Further, it will meet the constitutional goal of securing justice, liberty and equality for all citizens.

Hence the Bill.

NEW DELHI;
August 11, 2005

A. KRISHNASWAMY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

P.D.T. ACHARY,
Secretary-General.